

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

EVELIO DROZ RAMOS
AUREA ESTHER FRANCO DE DIAZ

DEBTORS

CASE NO 14-08190 ESL

CHAPTER 13

**DEBTORS' THIRD REQUEST FOR EXTENSION OF TIME
TO CURE BALANCE ON PLAN ARREARS
RE: TRUSTEE'S MOTION TO DISMISS, DOCKET NO. 133**

TO THE HONORABLE COURT:

COME NOW, EVELIO DROZ RAMOS and AUREA ESTHER FRANCO DE DIAZ, the Debtors in the above captioned case, through the undersigned attorney, and very respectfully state and pray as follows:

1. The Chapter 13 Trustee filed a *Trustee's Motion to Dismiss*, Docket No. 133, stating that the Debtors are in arrears in the Plan payments in the sum of \$58,875.60, in the above captioned Chapter 13 case. See: *Trustee's Motion To Dismiss*, at paragraph 1, Docket No. 133.

2. On January 08, 2020, the Debtors filed a *Reply to Trustee's Motion to Dismiss and Request for Extension of Time to Cure Balance on Arrears*, Docket No. 134.

3. On January 15, 2020, the Court entered an *ORDER*, Docket No. 135, whereby the Debtors' reply to the Trustee's motion to dismiss and request for extension of time to cure balance on arrears, was granted, Order due by 04/14/2020.

4. On April 13, 2020, the Debtors filed a *Debtor's Second Request for Extension of Time to Cure the Balance on Plan Arrears*, Docket No. 137.

5. On April 15, 2020, the Court entered an *ORDER*, Docket No. 138, whereby the Debtors' reply to the Trustee's motion to dismiss and request for extension of time to cure balance on arrears, was granted, Order due by 07/13/2020.

6. As previously stated in the Debtors' Reply (Docket No. 134) and their *Second Motion for Extension of Time* (Docket No. 137) the situation in the present case is that the Debtors did make all the monthly Plan payments to the Chapter 13 Trustee (60/60 payments), however, they have not been able to pay into the Plan the proposed "lump sum" payment or "additional payment to fund the Plan" in the sum of \$59,320.00 from "other sources", specifically from the sales of a real property located in Barranquitas, Puerto Rico (hereinafter "the Property"). *See: Chapter 13 Plan*, Dated 08/28/2018, Part 2, Sections 2.1 and 2.4, Docket No. 109.

7. Furthermore, at all times during the life of the Plan, the Debtors personally and/or through their State Court attorneys, have been trying to record the Property at the Property Registry in favor of the Debtor (the Property is a private property of the Debtor Evelio Droz Ramos), in order to sell the Property and obtain the funds needed to complete the Plan base in the present case.

8. That although the Court has granted the Debtors two (2) extensions of time to pay into the Plan the "lump sum" payment (*ORDER*, Docket No. 134; *ORDER*, Docket No. 138), due to the present situation and circumstances surrounding the coronavirus lockdown, the Debtors were unable to complete the sales of the Property, within the period of time granted by the Court.

9. The Debtors respectfully request additional time, ninety-days (90 days) to complete the sales of the Property and pay the proposed "additional payment" of

\$59,320.00, in the above captioned case. This extension of time, if granted, to expire on October 08, 2020.

10. That the Plan arrears owed by the Debtors in the sum of \$59,320.00 would complete the Plan base in the present case and would entitle the Debtors to a discharge upon completion of Plan payments under 11 U.S.C. Section 1328(a).

11. The Debtors respectfully state that if the extension of time is granted, the Debtors will be able to sell the Property, and that from its proceeds pay the remaining balance of the “additional payment”, and cure the balance on the Plan arrears. Furthermore, the Debtors respectfully understand that this extension of time will not prejudice any creditors, in the present case.

WHEREFORE, the Debtors respectfully pray the Court grant the Debtors’ present request for a **third** extension of time, in the above captioned case.

I HEREBY CERTIFY that on this same date a copy of this notice was sent via electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the Chapter 13 Trustee; and also certify that I have mailed by United States Postal Service copy of this motion to the Debtors, Evelio Droz Ramos and Aurea Esther Franco de Diaz, PO Box 3652 Bayamon PR 00958, in the above captioned case.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 10th day of July, 2020.

/s/ **Roberto Figueroa Carrasquillo**
USDC #203614
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